



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/535,467

05/17/2005

Declan Patrick Kelly

NL 021195

7129

24737

7590

09/18/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

TAKELE, MESEKER

ART UNIT

PAPER NUMBER

2175

MAIL DATE

DELIVERY MODE

09/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,467	Applicant(s) KELLY ET AL.	
	Examiner MESEKER TAKELE	Art Unit 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the Appeal Brief Filed 06/30/2008.
2. Claims 1-18 are pending in this application. Claims 1, 7 and 15 are independent claims. This action is made Non Final.

In view of the Appeal Brief filed on 6/30/2008, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/WILLIAM L. BASHORE/
Supervisory Patent Examiner, Art Unit 2175

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Okuda et al. ("Okuda" US Pub No.: 2002/0138781) in view of Griffiths (US Patent No.: 5,913,038).

As to claim 1, Okuda discloses, a user interface system for presenting to a user the contents of an information carrier intended to be inserted into a reading apparatus (paragraph [0024], said information carrier containing data files having different content types and/or different coding formats (paragraph [0024], abstract,), said user interface system comprising:

However Okuda does not explicitly disclose means for retrieving stored capabilities of said reading apparatus, said CAP signifying which coding formats and/or content types said reading apparatus supports to play such data files.

Griffiths from the similar field of endeavor discloses means for retrieving stored capabilities of said reading apparatus, said CAP signifying which coding formats and/or content types said reading apparatus supports to play such data files (such as, an appropriate file reader compatible with the media type of the data stream , abstract, such

Art Unit: 2175

as video data and audio data streams, and pass these data streams to an audio renderer filter 306 and to a video CODEC filter 308, col.,11 lines, 29-54).

It would have been obvious to one of ordinary skill in the art to have modified Okuda's teaching at the time of the invention was made with the teaching of Griffiths.

The motivation to combine to provide a flexible multimedia system that can handle a wide variety of data formats and perform complex processing tasks.

Okuda further discloses selection means for selecting a set of data files complying with the CAP from among data files contained on said information carrier (paragraph [0006], [0008] and [0011]);

presentation means for presenting to said user a table of contents from the selected data files (paragraph [0032] and abstract).

As to claim 2, Okuda discloses wherein the selection means comprises comparison means for comparing the coding format of the data files contained on said information carrier with the CAP of said reading apparatus for playing such a coding format (paragraph [0002], [0005] and [0039]).

As to claim 3, Okuda discloses, comprising classification means for classifying the selected data files according to their content type (paragraph, [0039], [0053] and Figure 3 and 4).

Art Unit: 2175

As to claim 4, Okuda discloses wherein the classification means for classifies the selected data files according to their coding format or according to a quality criterion (paragraph [0002], [0006], [0039] and Figure 3 & 4).

As to claim 5, Griffiths discloses wherein said user interface system further comprises:

downloading means for downloading a plug-in allowing playing data files contained on said information carrier and considered non-playable according to initial CAP of said reading apparatus (col., 11 lines, 29-54).

As to claim 6, Okuda discloses wherein the presentation means comprises code instructions stored in a data file for describing the rules of design of said table of contents (paragraph, [0005], [0032]).

Claim 7 is similar in scope to claim 1, and is therefore rejected under similar rationale. Okuda further discloses a memory device (Figure 2 (element 16)).

Claim 8 is similar in scope to claim 2, and is therefore rejected under similar rationale

Claim 9 is similar in scope to claim 3, and is therefore rejected under similar rationale

Art Unit: 2175

Claim 10 is similar in scope to claim 4, and is therefore rejected under similar rationale.

As to claim 11, Okuda discloses, wherein said classifying means further classifies the selected data files according to a quality criterion (paragraph [0052] and Figure 3 & 4).

Claim 12 is similar in scope to claim 5, and is therefore rejected under similar rationale.

As to claim 13, Okuda discloses wherein said apparatus further comprises: means for updating said CAP according to the content type and/or coding format playable by said plug-in (paragraph [0015].

Claim 14 is similar in scope to claim 6, and is therefore rejected under similar rationale.

Claim 15 is similar in scope to claim 1, and is therefore rejected under similar rationale.

Claim 16 is similar in scope to claim 11, and is therefore rejected under similar rationale.

Art Unit: 2175

As to claim 17, Okuda discloses wherein the quality criterion is resolution and/or bit rate of the data file (paragraph [0037]).

Claim 18 is similar in scope to claim 17, and is therefore rejected under similar rationale.

Response to Arguments

5. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

Inquiry

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MESEKER TAKELE whose telephone number is (571)270-1653. The examiner can normally be reached on Monday - Friday 7:30AM-5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2175

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meseker Takele/
Examiner, Art Unit 2175

/WILLIAM L. BASHORE/
Supervisory Patent Examiner, Art Unit 2175